

Zoning Text Amendment No.: 15-05
Concerning: Commercial/Residential
Zones – Site Plan
Flexibility
Draft No. & Date: 2 – 3/24/15
Introduced: March 24, 2015
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: The Planning, Housing, and Economic Development Committee

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Revise compatibility requirements;
- Allow the site plan process to establish the development standards for standard method development in Commercial/Residential zones;
- Allow the site plan process to establish the location of a building on a Commercial/Residential zoned site; and
- Generally amend provisions concerning Commercial/Residential zones

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 4.1.	“Rules for All Zones”
Section 4.1.8.	“Compatibility Requirements”
DIVISION 59.4.5.	“Commercial/Residential Zones”
Section 59.4.5.3.	“Standard Method Development”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59.4.1 is amended as follows:

Division 4.1. Rules for All Zones

* * *

Section 4.1.8. Compatibility Requirements

A. Setback Compatibility

1. Applicability

- a. Section 4.1.8.A.2 applies to a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone that:
 - i. abuts a property in an Agricultural, Rural Residential, [or] Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use; and
 - ii. proposes development of an apartment, multi use, or general building type.
- b. On a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone for which Section 4.1.8.A.1.a does not apply, the minimum side and rear [setback is] setbacks are equal to the [setback] setbacks required for “Side setback, abutting all other zones” and “Rear setback, abutting all other zones” in the applicable standard method development standards tables in Division 4.4 through Division 4.8.

2. Setback Required along Side or Rear Lot Line

- a. The minimum side and rear setbacks are [as follows:] equal to 1.5 times the minimum side or rear setback required for a detached house on abutting property.

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		[Abutting Zone]				
[Zone]	[Building Type]	[Agricultural]	[Rural Residential]	[Residential Detached]	[Residential Townhouse]	[Residential Multi-unit]
[Residential Multi-unit]	[Apt]	[1.5]	[1.5]	[1.5]	[1.5]	[1]
[C/R and Employment]	[Apt]	[1.5]	[1.5]	[1.5]	[1.5]	[1]
	[Multiuse, General]	[1.5]	[1.5]	[1.5]	[1.5]	[1.5]
[Industrial]	[Multiuse, General]	[1.5]	[1.5]	[1.5]	[1.5]	[1.5]

[Key: 1.5 = setback is equal to 1.5 times the minimum required for a detached house on abutting property]

[1 = setback is equal to the minimum required for a detached house on abutting property]

* * *

Sec. 2. DIVISION 59.4.5 is amended as follows:

Division 4.5. Commercial/Residential Zones

* * *

Section 4.5.3. Standard Method Development

The CRN, CRT, and CR zone allow standard method development under the following limitations and requirements.

A. In General

1. In the CRN zone, the maximum total, nonresidential, and residential FARs and maximum height for any property [is] are set by the zone shown on the zoning map.

- [B.]** 2. In the CRT and CR zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the limit indicated in the following table, unless shown as lower on the zoning map:

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Zone	Total Density (max)
CRT	The greater of 1.0 FAR or 10,000 SF of gross floor area
CR	The greater of 0.5 FAR or 10,000 SF of gross floor area

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51 **B. Procedure for Approval**52 1. Site plan approval may be required under Section 7.3.4.A.8.

53 2. An applicant may file a site plan application to modify the Build-to
 54 Area, Building Orientation, and Transparency requirements under
 55 Section 4.5.3.C.

56 **C. CRN, CRT, and CR Zones, Standard Method Development Standards**

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	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
* * *							
3. Placement							
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	6'	6'	6'	4'	See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	15'	15'	15'	10'	See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'

	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section 6.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%
Specification for Build-to Area							
a. The Build-to Area maximum front or side street setback may be increased by the minimum setback necessary to avoid a platted public transportation or utility easement, or a platted public transportation or utility reservation.							

	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
b. <u>The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4 if it finds that the alternative design creates a pedestrian environment and enhances neighborhood compatibility.</u>							
4. Height							
Height (max)							
Principal building	mapped and Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and Section 4.1.8.B		
5. Form							
Massing (max)							
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	required	required	required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Specification for Building Orientation and Transparency							
a. <u>Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4 if it finds that the alternative design creates a pedestrian environment and enhances neighborhood compatibility.</u>							

	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

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59 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
60 date of Council adoption.

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62 This is a correct copy of Council action.

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65 Linda M. Lauer, Clerk of the Council